



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/207,694	12/08/1998	T. ALLAN HAMILTON	CLB9-B95	7149

36257 7590 06/06/2003

PARSONS HSUE & DE RUNTZ LLP
655 MONTGOMERY STREET
SUITE 1800
SAN FRANCISCO, CA 94111

EXAMINER

SINGH, DALZID E

ART UNIT	PAPER NUMBER
----------	--------------

2633

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/207,694

Applicant(s)

HAMILTON, T. ALLAN

Examiner

Dalzid Singh

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) g.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrod et al (US Patent No. 6,405,049).

Regarding claim 1, Herrod et al wireless communication system (see col. 25, lines 1-4 and col. 26, lines 21-35) comprising:

a selector means for selecting one of multiple protocol stacks (see col. 28, lines 35-39);

Herrod et al disclose wireless communication between different devices, as discussed above, and differ from this claim in that Herrod et al do not specifically disclose detector means for detecting configuration of the other device. However, since Herrod et al uses the wireless IrDa standard that is used in system comprising of transmitter and receiver, therefore it would have been obvious that there exist a detector means for detecting parameters of the other device in order to establish communication link. The motivation of providing detector means to detect configuration of another device is to have compatibility to communicate with various mobile devices from different manufacturers.

Regarding claims 2 and 15, Herrod et al discloses the communication system is optimized by selecting proper configuration of system parameters (col. 28, lines 35-39).

Regarding claims 3 and 16, as discussed above, the communication system have default parameters in order to establish initial communication, in which configuration of the device is changed to obtain optimum communication link.

Regarding claims 4 and 17, as discussed above it would have been obvious to establish initial communication upon cessation of the wireless system in order to update system parameters.

Regarding claim 5, Herrod et al wireless communication system (see col. 25, lines 1-4 and col. 26, lines 21-35) comprising:

a selector means for selecting one of multiple protocol stacks (see col. 28, lines 35-39);

Herrod et al disclose wireless communication between different devices, as discussed above, and differ from this claim in that Herrod et al do not specifically disclose detector means for detecting configuration of the other device. However, since Herrod et al uses the wireless IrDa standard that is used in system comprising of transmitter and receiver, therefore it would have been obvious that there exist a detector means for detecting parameters or the other device in order to establish communication link. The motivation of providing detector means to detect configuration of another device is to have compatibility to communicate with various mobile devices from different manufacturers. Furthermore, since the communication system of Herrod et al

discloses an adaptive configuration, it would have been obvious to upgrade the protocol stack in order to optimize communication with other devices.

Regarding claim 6, Herrod et al discloses that the detector is querying for configuration by obtaining configuration parameters of another device.

Regarding claims 7-9, Herrod et al differs from these claims in that Herrod et al do not specifically disclose that the decoder has an upgrade enabling. However, since there are multiple protocol or application to be used, therefore it would have been obvious to have an upgrade enabling on the transmitter and receiver in order to optimize communication of different devices.

Regarding claim 14, Herrod et al wireless communication system (see col. 25, lines 1-4 and col. 26, lines 21-35) comprising:

a selector means for selecting one of multiple protocol stacks (see col. 28, lines 35-39);

application (software) selector (control flow) means (see col. 27, lines 12-31).

Herrod et al disclose wireless communication between different devices, as discussed above, and differ from this claim in that Herrod et al do not specifically disclose detector means for detecting configuration of the other device. However, since Herrod et al uses the wireless IrDa standard that is used in system comprising of transmitter and receiver, therefore it would have been obvious that there exist a detector means for detecting parameters of the other device in order to establish communication link. The motivation of providing detector means to detect configuration of another

device is to have compatibility to communicate with various mobile devices from different manufacturers.

Response to Arguments

3. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kimura (US Patent No. 6,211,797) is cited to show infrared communication control apparatus and method.

Watson et al (US Patent No. 6,449,075) is cited to show method and system for enabling wireless data communications with electronic devcies having disparate operating system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is 703-306-5619. The examiner can normally be reached on Mon-Fri 8am - 4pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 703-305-4729. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6296 for regular communications and 703-308-9051 for After Final communications.

Art Unit: 2633

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

DS

June 1, 2003


LESLIE PASCAL
PRIMARY EXAMINER